

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 **LARRY DEAN PADILLA,**

12 Plaintiff,

13 v.

14 **M. S. EVANS,**

15 Defendants.  
16

CASE NO. C 06-1725 MJJ

**[PROPOSED] ORDER  
GRANTING DEFENDANTS'  
MOTION TO DISMISS**

17 The Court has considered all supporting and opposing arguments regarding Defendant M.S.  
18 Evans's Motion to Dismiss. The Court finds that Plaintiff did not exhaust his administrative  
19 remedies as required by 42 U.S.C. § 1997e(a). Accordingly, Defendant's Motion to Dismiss is  
20 Granted and all claims are dismissed without prejudice, except for Plaintiff's claims for denial of  
21 exercise during January 2005.

22  
23 IT IS SO ORDERED.

24  
25 Dated: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Martin Jenkins  
United States District Court Judge